

REMARKS

The Examiner states that a restriction is required under 35 U.S.C. 121 since the method as claimed can be practiced by a materially different apparatus since it does require a storage container having a nozzle, as required by the apparatus claim. The method claims have been amended to state that the container used in the method does have a nozzle. For this reason the restriction requirement should be lifted and the method claims and the apparatus claims both allowed.

We confirm election of species A.

Claim 21 has been objected to because the limitation "a processing apparatus" as recited in line 2 and "a processing apparatus" as recited in claim 10, line 2 are vague. This rejection is respectfully traversed. In neither claim is the processing apparatus part of the delivery unit or delivery system respectively. In both cases what is stated is that the unit or delivery system is suitable for supplying processing solutions to a processing apparatus. The apparatus itself is not part of the claimed product or system.

The drawings have been objected to under 37 CFR 1.83(a). Claim 10 claims a delivery unit *for supplying solution to an apparatus* and claim 21 claims a delivery system *for delivering solutions to an apparatus*. As explained above the processing apparatus in claims 10 and 21 is not claimed subject matter. As the processing apparatus is not a claimed feature it need not be shown in the drawings. Claim 19 has been cancelled in light of the objection that "identification means" is not shown in the drawings.

Claims 10, 13 and 20-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al (EP 0354663). This rejection is respectfully traversed.

The present invention is directed towards a device for supplying processing solution to a processing apparatus. A fixed amount of solution is metered out of the delivery unit as required. Due to the low viscosity of processing solution the deliver system must be highly accurate. The delivery unit comprises a storage container having a nozzle at one end and a piston incorporated therein. Means for activation of the piston is also included. The container acts as both the storage container and as part of the metering system for

delivering an accurate volume of solution. No additional apparatus such as a pump is required. Throughout the specification as filed emphasis has been placed on the high accuracy of the delivery from the device claimed.

Taylor discloses a system for introducing a flowable additive from a syringe into a container of paint or such like. The entire contents of the syringe are emptied into the container. There is no suggestion that the additive should be metered into the container. The system is concerned with a one shot device. The system addresses the problem of spillage between the syringe and the container. The design of the syringe ensures accurate location relative to the container and minimizes the chance of movement during delivery of the additive.

Taylor does not disclose a delivery unit for supplying low viscosity processing solution to a processing apparatus as asserted by the Examiner. Taylor is concerned with paint additives which are usually high viscosity. High viscosity solutions are very difficult to meter and, as stated above, the device disclosed in Taylor does not attempt to meter the additive. The excerpt referred to by the Examiner, i.e. col. 6 ll.49-56, merely refers to the fact that the container has a piston which is used to dispel the additive. No means for activation of the piston "...such that a fixed amount of solution is delivered..." as required by the claims is shown or suggested.

For the reasons set out above claim 10 of the present application should be allowed over Taylor. Claims 13 and 20-21 are dependent on claim 10. They therefore include all the features of claim 1. For the same reasons as set out above claims 13 and 20-21 of the present invention should be allowed. Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al in view of Hoffman et al. (US4,522,316). This rejection is respectfully traversed.

Hoffman discloses a container for plastics substances. The container incorporates a plastic seal provided behind the piston portion of the container.

Claim 11 is dependent on claim 10 and thus includes all the features of claim 10. A combination of Taylor and Hoffman would not result in the invention as claimed in claim 11. Neither Taylor nor Hoffman disclose or

suggest means for activation of the piston such that a fixed amount of solution is delivered.

For the reasons set out above claim 11 of the present application should be allowed over Taylor in view of Hoffman.

Claims 14 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al in view of Peng.(US5,615,807). This rejection is respectfully traversed.

Peng discloses a caulking gun having a shaft driven forwardly in response to reciprocal operation of the shaft by a handle mechanism. The gun is used for high viscosity media which requires some force to leave the dispenser. The aim of the device is to deliver a substantially continuous stream of media during multiple cycles of the handle mechanism. There is no disclosure nor suggestion of accurate metering of delivery of the media.

Claims 14 and 16 are dependent on claim 10 and thus include all the features of claim 10. A combination of Taylor and Peng would not result in the invention as claimed in claims 14 and 16. Neither Taylor nor Peng disclose or suggest means for activation of the piston such that a fixed amount of solution is delivered. For the reasons set out above claims 14 and 16 of the present application should be allowed over Taylor in view of Peng.

Claim 19 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al in view of Koehler et al (US5,538,161). This rejection is respectfully traversed.

Koehler discloses a container having a content level indicator.

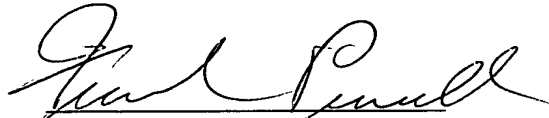
Claim 19 is dependent on claim 10 and thus includes all the features of claim 10. A combination of Taylor and Koehler would not result in the invention as claimed in claim 19. Neither Taylor nor Koehler disclose or suggest means for activation of the piston such that a fixed amount of solution is delivered.

For the reasons set out above claim 19 of the present application should be allowed over Taylor in view of Koehler.

In view of the foregoing, Applicant respectfully submits that the claims in their present form are in condition for allowance and such action is respectfully requested.

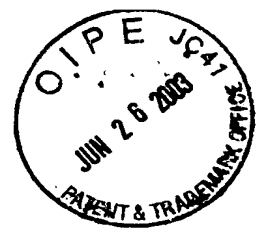
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Frank Pincelli', written over a horizontal line.

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In the Claims:

Claim 19 has been cancelled.

Claim 1 has been amended as set forth below:

1.(Once Amended) A method of delivering processing solution to a processing apparatus wherein the solution is supplied in a storage container, the container having a nozzle at one end thereof and forming part of a metering system.

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